

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

JOHNNY R. THOMAS, *et al.*

Defendants.

Case No. 2:19-cv-01132-JCM-EJY

ORDER

This Order follows up on the Court's hearing held on December 3, 2020. The parties agreed to the following process:

1. The Court will return to the SEC, by password protected email, two copies of the typed and handwritten notes previously provided to the Court. This includes a copy of the notes in their unredacted form and a copy with the Court's proposed redactions. The SEC shall review the Court's redactions and either accept them as is or seek changes.¹
2. The SEC shall complete its review of the Court's proposed redactions no later than ten (10) court days following the date of this Order.
3. If the SEC accepts the redactions proposed by the Court, the SEC shall produce to Defendants the redacted notes together with a privilege log that provides sufficiently detailed information such that Defendants are reasonably able to determine whether to challenge any redaction. In the absence of requested changes, the production to Defendants shall occur no later than thirty (30) court days following the date of this Order.
4. Even if the SEC agrees with the Court's redactions and seeks no changes, Defendants are not precluded from challenging the Court's redactions once the redacted notes and

¹ The Court notes that it received two copies of John Crimmins' April 22, 2016 typed notes. The substantive content of the two versions are identical. Margaret Smith provided Mr. Crimmins with redline changes that are substantially limited to correcting minor grammatical and typographical error. The redline version of Mr. Crimmins' April 22, 2016 notes need not be produced or listed on the privilege log.

1 privilege log is received. Any motion by Defendants raising such a challenge must be
2 preceded by a telephonic or videoconference meet and confer between Defendants and
3 the SEC. A motion challenging the Court's redactions filed by Defendants (or any subset
4 thereof) shall be made no later than thirty (30) court days following Defendants' receipt
5 of the redacted notes and privilege log from SEC. The normal briefing schedule,
6 pursuant to Local Rule, shall thereafter apply.

7 5. If the SEC seeks changes to the Court's proposed redactions, the SEC shall file a motion
8 under seal that shall clearly identify all requested changes and the basis for the same. The
9 SEC shall simultaneously file a redacted copy of its motion, which shall be served on
10 Defendants, to which it shall attach a privilege log that provides sufficiently detailed
11 information such that Defendants may determine whether to challenge any redaction
12 made by Plaintiff or the Court.

13 6. If the SEC files a motion seeking changes to the Court's proposed redactions, such
14 motion shall be filed no later than thirty (30) court days following the date of this
15 Order. The normal briefing schedule, pursuant to Local Rule, shall apply.

16 7. Nothing in this Order precludes the parties from agreeing to disclosures in addition to
17 those approved by the Court.

18 IT IS SO ORDERED this 7th day of December, 2020.

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21 ELAYNA J. YOUCHAH
22 UNITED STATES MAGISTRATE JUDGE
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